

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FUNCTION MEDIA, L.L.C.,
Plaintiff,

v.

GOOGLE, INC. and YAHOO, INC.,
Defendants.

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§ CIVIL ACTION NO. 2:07-cv-279-CE
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FINAL JUDGMENT

The Court renders judgment in accordance with the jury's verdict and this Court's post-trial judgment as a matter of law ("JMOL") rulings. On January 19, 2010, a jury trial commenced in this patent infringement case. Plaintiff Function Media, L.L.C. ("FM") asserted the following claims (the "Asserted Claims"): claims 1, 20, 37, 52, 63, 90, 179, and 231 of U.S. Patent No. 7,240,025 B2 (the "'025 Patent") and claim 1 of U.S. Patent No. 7,249,059 B2 (the "'059 Patent"). On January 25, 2010, the case was submitted to the jury, and the jury returned a verdict finding that defendant Google, Inc. ("Google") did not infringe the Asserted Claims of the '025 Patent or the '059 Patent. (*See* Dkt. No. 413.) Furthermore, the jury found that all Asserted Claims of the '025 and '059 Patents were invalid because they were anticipated by the prior art and were rendered obvious by the prior art. (*See id.*) As such, the jury did not award FM any damages. (*See id.*) In the Court's post-trial rulings on the parties' motions for JMOLs, the Court granted JMOL that claims 52, 63, 90, and 231 of the '025 Patent are valid but otherwise upheld the jury's verdict.

In accordance with the jury's verdict and the Court's post-trial JMOL rulings, it is ORDERED, ADJUDGED, and DECREED that Google does not infringe any of the Asserted

Claims and that, aside from claims 52, 63, 90, and 231 of the '025 Patent, the Asserted Claims are invalid. Therefore, FM takes nothing by way of its patent infringement claims, and those claims are DISMISSED WITH PREJUDICE.

In the present case, any further post-trial motions, including motions for a new trial, to alter or amend judgment, or Rule 50(b) motions JMOL, must be filed within seven (7) days from the date of this Judgment, as opposed to the normal twenty-eight day deadline under Federal Rule of Civil Procedure 59. Responses must be filed within seven (7) days of the initial filing. No replies are allowed for these post-trial motions without leave of Court. It is the undersigned's intention to resolve this case before the undersigned steps down at the end of September. Finally, each party will be given thirty pages total, in the aggregate, for all further post-trial motions in this case.

All relief not expressly granted is DENIED. This is a FINAL JUDGMENT. All pending motions are DENIED.

It is so ORDERED.

SIGNED this 9th day of September, 2011.


CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE